



Rep. Frank J. Mautino

Filed: 5/17/2005

09400SB0538ham001

LRB094 09496 RLC 46698 a

1 AMENDMENT TO SENATE BILL 538

2 AMENDMENT NO. _____. Amend Senate Bill 538 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Medical Services (EMS) Systems
5 Act is amended by adding Section 3.133 as follows:

6 (210 ILCS 50/3.133 new)

7 Sec. 3.133. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 46-1 of the Criminal Code of 1961. A person whose
14 license or other authorization to practice is suspended under
15 this Section is prohibited from practicing until the
16 restitution is made in full.

17 Section 10. The Acupuncture Practice Act is amended by
18 adding Section 117 as follows:

19 (225 ILCS 2/117 new)

20 Sec. 117. Suspension of license for failure to pay
21 restitution. The Department, without further process or
22 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been
2 certified by court order as not having paid restitution to a
3 person under Section 8A-3.5 of the Illinois Public Aid Code or
4 under Section 46-1 of the Criminal Code of 1961. A person whose
5 license or other authorization to practice is suspended under
6 this Section is prohibited from practicing until the
7 restitution is made in full.

8 Section 15. The Illinois Athletic Trainers Practice Act is
9 amended by adding Section 16.5 as follows:

10 (225 ILCS 5/16.5 new)

11 Sec. 16.5. Suspension of license for failure to pay
12 restitution. The Department, without further process or
13 hearing, shall suspend the license or other authorization to
14 practice of any person issued under this Act who has been
15 certified by court order as not having paid restitution to a
16 person under Section 8A-3.5 of the Illinois Public Aid Code or
17 under Section 46-1 of the Criminal Code of 1961. A person whose
18 license or other authorization to practice is suspended under
19 this Section is prohibited from practicing until the
20 restitution is made in full.

21 Section 20. The Clinical Psychologist Licensing Act is
22 amended by adding Section 15.1 as follows:

23 (225 ILCS 15/15.1 new)

24 Sec. 15.1. Suspension of license for failure to pay
25 restitution. The Department, without further process or
26 hearing, shall suspend the license or other authorization to
27 practice of any person issued under this Act who has been
28 certified by court order as not having paid restitution to a
29 person under Section 8A-3.5 of the Illinois Public Aid Code or
30 under Section 46-1 of the Criminal Code of 1961. A person whose

1 license or other authorization to practice is suspended under
2 this Section is prohibited from practicing until the
3 restitution is made in full.

4 Section 25. The Clinical Social Work and Social Work
5 Practice Act is amended by adding Section 19.5 as follows:

6 (225 ILCS 20/19.5 new)

7 Sec. 19.5. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 46-1 of the Criminal Code of 1961. A person whose
14 license or other authorization to practice is suspended under
15 this Section is prohibited from practicing until the
16 restitution is made in full.

17 Section 30. The Illinois Dental Practice Act is amended by
18 adding Section 23c as follows:

19 (225 ILCS 25/23c new)

20 Sec. 23c. Suspension of license for failure to pay
21 restitution. The Department, without further process or
22 hearing, shall suspend the license or other authorization to
23 practice of any person issued under this Act who has been
24 certified by court order as not having paid restitution to a
25 person under Section 8A-3.5 of the Illinois Public Aid Code or
26 under Section 46-1 of the Criminal Code of 1961. A person whose
27 license or other authorization to practice is suspended under
28 this Section is prohibited from practicing until the
29 restitution is made in full.

1 Section 35. The Hearing Instrument Consumer Protection Act
2 is amended by adding Section 18.5 as follows:

3 (225 ILCS 50/18.5 new)

4 Sec. 18.5. Suspension of license for failure to pay
5 restitution. The Department, without further process or
6 hearing, shall suspend the license or other authorization to
7 practice of any person issued under this Act who has been
8 certified by court order as not having paid restitution to a
9 person under Section 8A-3.5 of the Illinois Public Aid Code or
10 under Section 46-1 of the Criminal Code of 1961. A person whose
11 license or other authorization to practice is suspended under
12 this Section is prohibited from practicing until the
13 restitution is made in full.

14 Section 40. The Home Medical Equipment and Services
15 Provider License Act is amended by adding Section 77 as
16 follows:

17 (225 ILCS 51/77 new)

18 Sec. 77. Suspension of license for failure to pay
19 restitution. The Department, without further process or
20 hearing, shall suspend the license or other authorization to
21 practice of any person issued under this Act who has been
22 certified by court order as not having paid restitution to a
23 person under Section 8A-3.5 of the Illinois Public Aid Code or
24 under Section 46-1 of the Criminal Code of 1961. A person whose
25 license or other authorization to practice is suspended under
26 this Section is prohibited from practicing until the
27 restitution is made in full.

28 Section 45. The Marriage and Family Therapy Licensing Act
29 is amended by adding Section 87 as follows:

1 (225 ILCS 55/87 new)

2 Sec. 87. Suspension of license for failure to pay
3 restitution. The Department, without further process or
4 hearing, shall suspend the license or other authorization to
5 practice of any person issued under this Act who has been
6 certified by court order as not having paid restitution to a
7 person under Section 8A-3.5 of the Illinois Public Aid Code or
8 under Section 46-1 of the Criminal Code of 1961. A person whose
9 license or other authorization to practice is suspended under
10 this Section is prohibited from practicing until the
11 restitution is made in full.

12 Section 50. The Medical Practice Act of 1987 is amended by
13 adding Section 22.5 as follows:

14 (225 ILCS 60/22.5 new)

15 Sec. 22.5. Suspension of license for failure to pay
16 restitution. The Department, without further process or
17 hearing, shall suspend the license or other authorization to
18 practice of any person issued under this Act who has been
19 certified by court order as not having paid restitution to a
20 person under Section 8A-3.5 of the Illinois Public Aid Code or
21 under Section 46-1 of the Criminal Code of 1961. A person whose
22 license or other authorization to practice is suspended under
23 this Section is prohibited from practicing until the
24 restitution is made in full.

25 Section 55. The Naprapathic Practice Act is amended by
26 adding Section 113 as follows:

27 (225 ILCS 63/113 new)

28 Sec. 113. Suspension of license for failure to pay
29 restitution. The Department, without further process or
30 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been
2 certified by court order as not having paid restitution to a
3 person under Section 8A-3.5 of the Illinois Public Aid Code or
4 under Section 46-1 of the Criminal Code of 1961. A person whose
5 license or other authorization to practice is suspended under
6 this Section is prohibited from practicing until the
7 restitution is made in full.

8 Section 60. The Nursing and Advanced Practice Nursing Act
9 is amended by adding Section 20-13 as follows:

10 (225 ILCS 65/20-13 new)

11 Sec. 20-13. Suspension of license or registration for
12 failure to pay restitution. The Department, without further
13 process or hearing, shall suspend the license or other
14 authorization to practice of any person issued under this Act
15 who has been certified by court order as not having paid
16 restitution to a person under Section 8A-3.5 of the Illinois
17 Public Aid Code or under Section 46-1 of the Criminal Code of
18 1961. A person whose license or other authorization to practice
19 is suspended under this Section is prohibited from practicing
20 until the restitution is made in full.

21 Section 65. The Illinois Occupational Therapy Practice Act
22 is amended by adding Section 19.17 as follows:

23 (225 ILCS 75/19.17 new)

24 Sec. 19.17. Suspension of license for failure to pay
25 restitution. The Department, without further process or
26 hearing, shall suspend the license or other authorization to
27 practice of any person issued under this Act who has been
28 certified by court order as not having paid restitution to a
29 person under Section 8A-3.5 of the Illinois Public Aid Code or
30 under Section 46-1 of the Criminal Code of 1961. A person whose

1 license or other authorization to practice is suspended under
2 this Section is prohibited from practicing until the
3 restitution is made in full.

4 Section 70. The Illinois Optometric Practice Act of 1987 is
5 amended by adding Section 24.5 as follows:

6 (225 ILCS 80/24.5 new)

7 Sec. 24.5. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 46-1 of the Criminal Code of 1961. A person whose
14 license or other authorization to practice is suspended under
15 this Section is prohibited from practicing until the
16 restitution is made in full.

17 Section 75. The Orthotics, Prosthetics, and Pedorthics
18 Practice Act is amended by adding Section 93 as follows:

19 (225 ILCS 84/93 new)

20 Sec. 93. Suspension of license for failure to pay
21 restitution. The Department, without further process or
22 hearing, shall suspend the license or other authorization to
23 practice of any person issued under this Act who has been
24 certified by court order as not having paid restitution to a
25 person under Section 8A-3.5 of the Illinois Public Aid Code or
26 under Section 46-1 of the Criminal Code of 1961. A person whose
27 license or other authorization to practice is suspended under
28 this Section is prohibited from practicing until the
29 restitution is made in full.

1 Section 80. The Pharmacy Practice Act of 1987 is amended by
2 adding Section 30.5 as follows:

3 (225 ILCS 85/30.5 new)

4 Sec. 30.5. Suspension of license or certificate for failure
5 to pay restitution. The Department, without further process or
6 hearing, shall suspend the license or other authorization to
7 practice of any person issued under this Act who has been
8 certified by court order as not having paid restitution to a
9 person under Section 8A-3.5 of the Illinois Public Aid Code or
10 under Section 46-1 of the Criminal Code of 1961. A person whose
11 license or other authorization to practice is suspended under
12 this Section is prohibited from practicing until the
13 restitution is made in full.

14 Section 85. The Illinois Physical Therapy Act is amended by
15 adding Section 17.5 as follows:

16 (225 ILCS 90/17.5 new)

17 Sec. 17.5. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 46-1 of the Criminal Code of 1961. A person whose
24 license or other authorization to practice is suspended under
25 this Section is prohibited from practicing until the
26 restitution is made in full.

27 Section 90. The Physician Assistant Practice Act of 1987 is
28 amended by adding Section 21.5 as follows:

29 (225 ILCS 95/21.5 new)

1 Sec. 21.5. Suspension of license for failure to pay
2 restitution. The Department, without further process or
3 hearing, shall suspend the license or other authorization to
4 practice of any person issued under this Act who has been
5 certified by court order as not having paid restitution to a
6 person under Section 8A-3.5 of the Illinois Public Aid Code or
7 under Section 46-1 of the Criminal Code of 1961. A person whose
8 license or other authorization to practice is suspended under
9 this Section is prohibited from practicing until the
10 restitution is made in full.

11 Section 95. The Podiatric Medical Practice Act of 1987 is
12 amended by adding Section 24.5 as follows:

13 (225 ILCS 100/24.5 new)

14 Sec. 24.5. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 46-1 of the Criminal Code of 1961. A person whose
21 license or other authorization to practice is suspended under
22 this Section is prohibited from practicing until the
23 restitution is made in full.

24 Section 100. The Respiratory Care Practice Act is amended
25 by adding Section 97 as follows:

26 (225 ILCS 106/97 new)

27 Sec. 97. Suspension of license for failure to pay
28 restitution. The Department, without further process or
29 hearing, shall suspend the license or other authorization to
30 practice of any person issued under this Act who has been

1 certified by court order as not having paid restitution to a
2 person under Section 8A-3.5 of the Illinois Public Aid Code or
3 under Section 46-1 of the Criminal Code of 1961. A person whose
4 license or other authorization to practice is suspended under
5 this Section is prohibited from practicing until the
6 restitution is made in full.

7 Section 105. The Professional Counselor and Clinical
8 Professional Counselor Licensing Act is amended by adding
9 Section 83 as follows:

10 (225 ILCS 107/83 new)

11 Sec. 83. Suspension of license for failure to pay
12 restitution. The Department, without further process or
13 hearing, shall suspend the license or other authorization to
14 practice of any person issued under this Act who has been
15 certified by court order as not having paid restitution to a
16 person under Section 8A-3.5 of the Illinois Public Aid Code or
17 under Section 46-1 of the Criminal Code of 1961. A person whose
18 license or other authorization to practice is suspended under
19 this Section is prohibited from practicing until the
20 restitution is made in full.

21 Section 110. The Illinois Speech-Language Pathology and
22 Audiology Practice Act is amended by adding Section 16.3 as
23 follows:

24 (225 ILCS 110/16.3 new)

25 Sec. 16.3. Suspension of license for failure to pay
26 restitution. The Department, without further process or
27 hearing, shall suspend the license or other authorization to
28 practice of any person issued under this Act who has been
29 certified by court order as not having paid restitution to a
30 person under Section 8A-3.5 of the Illinois Public Aid Code or

1 under Section 46-1 of the Criminal Code of 1961. A person whose
2 license or other authorization to practice is suspended under
3 this Section is prohibited from practicing until the
4 restitution is made in full.

5 Section 115. The Perfusionist Practice Act is amended by
6 adding Section 107 as follows:

7 (225 ILCS 125/107 new)

8 Sec. 107. Suspension of license for failure to pay
9 restitution. The Department, without further process or
10 hearing, shall suspend the license or other authorization to
11 practice of any person issued under this Act who has been
12 certified by court order as not having paid restitution to a
13 person under Section 8A-3.5 of the Illinois Public Aid Code or
14 under Section 46-1 of the Criminal Code of 1961. A person whose
15 license or other authorization to practice is suspended under
16 this Section is prohibited from practicing until the
17 restitution is made in full.

18 Section 120. The Registered Surgical Assistant and
19 Registered Surgical Technologist Title Protection Act is
20 amended by adding Section 77 as follows:

21 (225 ILCS 130/77 new)

22 Sec. 77. Suspension of registration for failure to pay
23 restitution. The Department, without further process or
24 hearing, shall suspend the license or other authorization to
25 practice of any person issued under this Act who has been
26 certified by court order as not having paid restitution to a
27 person under Section 8A-3.5 of the Illinois Public Aid Code or
28 under Section 46-1 of the Criminal Code of 1961. A person whose
29 license or other authorization to practice is suspended under
30 this Section is prohibited from practicing until the

1 restitution is made in full.

2 Section 125. The Genetic Counselor Licensing Act is amended
3 by adding Section 97 as follows:

4 (225 ILCS 135/97 new)

5 Sec. 97. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 46-1 of the Criminal Code of 1961. A person whose
12 license or other authorization to practice is suspended under
13 this Section is prohibited from practicing until the
14 restitution is made in full.

15 Section 130. The Illinois Public Aid Code is amended by
16 adding Sections 8A-3.5 and 8A-3.6 as follows:

17 (305 ILCS 5/8A-3.5 new)

18 Sec. 8A-3.5. Vendor fraud and recipient fraud in medical
19 assistance; restitution. A person convicted of recipient
20 fraud, unauthorized use of medical assistance, vendor fraud in
21 relation to the provision of medical assistance under Article V
22 of this Code, or convicted of a federal criminal violation
23 associated with defrauding the Medicaid program shall be
24 ordered to pay monetary restitution to a person for any
25 financial loss sustained by that person as a result of a
26 violation of Section 8A-2, 8A-2.5, or 8A-3 of this Code,
27 including any court costs and attorney fees. An order of
28 restitution also includes expenses incurred and paid in
29 connection with any medical evaluation or treatment.

1 (305 ILCS 5/8A-3.6 new)

2 Sec. 8A-3.6. Actions by State licensing agencies.

3 (a) All State licensing agencies, the Illinois State
4 Police, and the Department of Financial and Professional
5 Regulation shall coordinate enforcement efforts relating to
6 acts of recipient fraud, unauthorized use of medical
7 assistance, or vendor fraud in relation to the provision of
8 medical assistance under Article V of this Code.

9 (b) If a person who is licensed or registered under the
10 laws of the State of Illinois to engage in a business or
11 profession is convicted of or pleads guilty to engaging in an
12 act of recipient fraud, unauthorized use of medical assistance,
13 or vendor fraud in relation to the provision of medical
14 assistance under Article V of this Code, the Illinois State
15 Police must forward to each State agency by which the person is
16 licensed or registered a copy of the conviction or plea and all
17 supporting evidence.

18 (c) Any agency that receives information under this Section
19 shall, not later than 6 months after the date on which it
20 receives the information, publicly report the final action
21 taken against the convicted person, including but not limited
22 to the revocation or suspension of the license or any other
23 disciplinary action taken.

24 Section 135. The Criminal Code of 1961 is amended by
25 changing Section 46-1 and by adding Section 46-6 as follows:

26 (720 ILCS 5/46-1)

27 Sec. 46-1. Insurance fraud.

28 (a) A person commits the offense of insurance fraud when he
29 or she knowingly obtains, attempts to obtain, or causes to be
30 obtained, by deception, control over the property of an
31 insurance company or self-insured entity by the making of a
32 false claim or by causing a false claim to be made on any

1 policy of insurance issued by an insurance company or by the
2 making of a false claim to a self-insured entity, intending to
3 deprive an insurance company or self-insured entity
4 permanently of the use and benefit of that property.

5 (b) Sentence.

6 (1) A violation of this Section in which the value of
7 the property obtained or attempted to be obtained is \$300
8 or less is a Class A misdemeanor.

9 (2) A violation of the Section in which the value of
10 the property obtained or attempted to be obtained is more
11 than \$300 but not more than \$10,000 is a Class 3 felony.

12 (3) A violation of this Section in which the value of
13 the property obtained or attempted to be obtained is more
14 than \$10,000 but not more than \$100,000 is a Class 2
15 felony.

16 (4) A violation of this Section in which the value of
17 the property obtained or attempted to be obtained is more
18 than \$100,000 is a Class 1 felony.

19 (5) A person convicted of insurance fraud, vendor
20 fraud, or a federal criminal violation associated with
21 defrauding the Medicaid program shall be ordered to pay
22 monetary restitution to the insurance company or
23 self-insured entity or any other person for any financial
24 loss sustained as a result of a violation of this Section,
25 including any court costs and attorney fees. An order of
26 restitution also includes expenses incurred and paid by the
27 State of Illinois or an insurance company or self-insured
28 entity in connection with any medical evaluation or
29 treatment services.

30 (c) For the purposes of this Article, where the exact value
31 of property obtained or attempted to be obtained is either not
32 alleged by the accused or not specifically set by the terms of
33 a policy of insurance, the value of the property shall be the
34 fair market replacement value of the property claimed to be

1 lost, the reasonable costs of reimbursing a vendor or other
2 claimant for services to be rendered, or both.

3 (d) Definitions. For the purposes of this Article:

4 (1) "Insurance company" means "company" as defined
5 under Section 2 of the Illinois Insurance Code.

6 (2) "Self-insured entity" means any person, business,
7 partnership, corporation, or organization that sets aside
8 funds to meet his, her, or its losses or to absorb
9 fluctuations in the amount of loss, the losses being
10 charged against the funds set aside or accumulated.

11 (3) "Obtain", "obtains control", "deception",
12 "property" and "permanent deprivation" have the meanings
13 ascribed to those terms in Article 15 of this Code.

14 (4) "Governmental entity" means each officer, board,
15 commission, and agency created by the constitution,
16 whether in the executive, legislative, or judicial branch
17 of State government; each officer, department, board,
18 commission, agency, institution, authority, university,
19 and body politic and corporate of the State; each
20 administrative unit or corporate outgrowth of State
21 government that is created by or pursuant to statute,
22 including units of local government and their officers,
23 school districts, and boards of election commissioners;
24 and each administrative unit or corporate outgrowth of the
25 above and as may be created by executive order of the
26 Governor.

27 (5) "False claim" means any statement made to any
28 insurer, purported insurer, servicing corporation,
29 insurance broker, or insurance agent, or any agent or
30 employee of the entities, and made as part of, or in
31 support of, a claim for payment or other benefit under a
32 policy of insurance, or as part of, or in support of, an
33 application for the issuance of, or the rating of, any
34 insurance policy, when the statement contains any false,

1 incomplete, or misleading information concerning any fact
2 or thing material to the claim, or conceals the occurrence
3 of an event that is material to any person's initial or
4 continued right or entitlement to any insurance benefit or
5 payment, or the amount of any benefit or payment to which
6 the person is entitled.

7 (6) "Statement" means any assertion, oral, written, or
8 otherwise, and includes, but is not limited to, any notice,
9 letter, or memorandum; proof of loss; bill of lading;
10 receipt for payment; invoice, account, or other financial
11 statement; estimate of property damage; bill for services;
12 diagnosis or prognosis; prescription; hospital, medical or
13 dental chart or other record, x-ray, photograph,
14 videotape, or movie film; test result; other evidence of
15 loss, injury, or expense; computer-generated document; and
16 data in any form.

17 (Source: P.A. 90-333, eff. 1-1-98; 91-232, eff. 1-1-00.)

18 (720 ILCS 5/46-6 new)

19 Sec. 46-6. Actions by State licensing agencies.

20 (a) All State licensing agencies, the Illinois State
21 Police, and the Department of Financial and Professional
22 Regulation shall coordinate enforcement efforts relating to
23 acts of insurance fraud.

24 (b) If a person who is licensed or registered under the
25 laws of the State of Illinois to engage in a business or
26 profession is convicted of or pleads guilty to engaging in an
27 act of insurance fraud, the Illinois State Police must forward
28 to each State agency by which the person is licensed or
29 registered a copy of the conviction or plea and all supporting
30 evidence.

31 (c) Any agency that receives information under this Section
32 shall, not later than 6 months after the date on which it
33 receives the information, publicly report the final action

1 taken against the convicted person, including but not limited
2 to the revocation or suspension of the license or any other
3 disciplinary action taken.

4 Section 999. Effective date. This Act takes effect January
5 1, 2006.".